



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC 20 2006

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. Brad Smith
Vice-President of Mill Operations
Thilmany, LLC
600 Thilmany Road
Kaukauna, Wisconsin 54130

Re: Finding of Violation
Thilmany, LLC, Kaukauna, Wisconsin

Dear Mr. Smith:

This is to advise you that the United States Environmental Protection Agency (U.S. EPA) has determined that Thilmany, LLC ("Thilmany"), located at 600 Thilmany Road, Kaukauna, Wisconsin ("Facility") has violated the Clean Air Act ("Act") and its implementing pollution control requirements. We are today issuing to you a Finding of Violation ("FOV") for the identified violations.

The Act requires the U.S. EPA to develop New Source Performance Standards ("NSPS") for stationary sources which cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The U.S. EPA developed an NSPS for Kraft Pulp Mills. The NSPS for Kraft Pulp Mills limits particulate matter emissions from the lime kiln to, among other things, 0.066 gr/dscf corrected to 10 percent oxygen, when gaseous fossil fuel is burned. This limit is incorporated into Thilmany's Title V Permit. The U.S. EPA finds that Thilmany has violated the above identified NSPS emissions limit and Title V Permit.


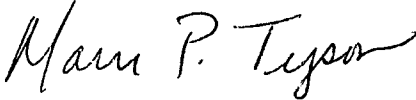
Section 113 of the Act gives us several enforcement options to resolve this violation, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. The option we select, in part, depends on the efforts taken by Thilmany to correct the violations and the

timeframe in which you can demonstrate and maintain continuous compliance with the Lime Kiln particulate matter emission limit.

We are providing you with the opportunity to request a conference with us to discuss violations identified in the FOV. Before we decide which enforcement option is appropriate, this conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your Facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The U.S. EPA contact in this matter is Manoj P. Patel. You may call him at (312) 353-3565 if you wish to request a conference. The U.S. EPA hopes that this FOV will encourage Thilmany's compliance with the requirements of the Act.

Sincerely yours,



Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Thilmany, LLC)	FINDING OF VIOLATION
Kaukauna, Wisconsin)	
)	EPA-5-07-WI-03
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	

FINDING OF VIOLATION

Thilmany, LLC, ("Thilmany") owns and operates a kraft pulp mill at 600 Thilmany Road, Kaukauna, Wisconsin ("Facility"). The kraft pulp mill includes a lime kiln identified in Thilmany's Title V Permit as process unit P12 ("Lime Kiln P12").

The United States Environmental Protection Agency ("U.S. EPA") is sending this Finding of Violation ("FOV") to you for particulate matter emissions from Lime Kiln P12 in excess of the limits specified in your Title V permit, and the New Source Performance Standards ("NSPS") for Kraft Pulp Mills. This exceedance constitutes violations of the Clean Air Act.

We are providing you with the opportunity to request a conference with us to discuss the violations identified in this FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the Facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

1. The Title V Permit and NSPS emission limitations relevant to this FOV are as follows:
 - a. The NSPS for Kraft Pulp Mills (40 C.F.R. Part 60, Subpart BB) contains a particulate matter emission limit for lime kilns. Particulate matter from lime kilns shall not exceed 0.066 grains per dry standard cubic foot (gr/dscf) corrected to 10 percent oxygen, when gaseous fossil fuel is burned. 40 C.F.R. § 60.282(a)(3)(i).
 - b. The Wisconsin Department of Natural Resources issued Title V Permit No. 445031180-P01 to Thilmany on May 11, 1999. Part I.H.1.a. of Thilmany's Title V Permit limits particulate matter emissions from Lime Kiln P12 to 0.067 gr/dscf corrected to 10 percent oxygen when gaseous fossil fuel is burned.
2. On May 17, 2006, under the authority of Section 114 of the Act, 42 U.S.C. § 7414, the U.S. EPA requested Thilmany to perform a stack test for particulate matter emissions from Lime Kiln P12.
3. On June 27, 2006, Thilmany performed the requested stack test on Lime Kiln P12 while burning a gaseous fossil fuel.
4. On July 27, 2006, Thilmany submitted the results of the stack test on Lime Kiln P12 to the U.S. EPA.
5. Based on an evaluation of the June 27, 2006 certified stack test report submitted by Thilmany, the U.S. EPA has determined that Lime Kiln P12 exceeded the particulate matter emission limits identified in Paragraph 1, above, as follows:

Process	Pollutant	Test Result (in gr/dscf @ 10% O ₂) burning gaseous fossil fuel	Emission Limits (in gr/dscf @ 10% O ₂) burning gaseous fossil fuel
Lime Kiln	PM	0.093	0.066 / 0.067

6. Thilmany's excess particulate matter emissions from Lime Kiln P12 are violations of the particulate matter emission limits in Part I.H.1.a of its Title V Permit, and 40 C.F.R. § 60.282(a)(3)(i) of the NSPS for Kraft Pulp Mills.

Environmental Impact of Violations

7. Violation of the particulate matter standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

12/20/06
Date

for Mary P. Tysa
Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Notice and Finding of Violation, No. EPA-5-07-WI-03, by Certified Mail, Return Receipt Requested, to:

Brad Smith, Vice President of Mill Operations
Thilmany, LLC
Kaukauna Mill
600 Thilmany Road
Kaukauna, Wisconsin 54130

I also certify that I sent copies of the Finding of Violation and Notice of Violation by first class mail to:

William Baumann, Chief
Combustion Process Section
Bureau of Air Management
101 South Webster Street
P.O. Box 7921 (AM/7)
Madison, Wisconsin 53707

Dave Hildreth, Regional Leader
Northeast Region
Bureau of Air Management
Wisconsin Department of Natural Resources
2984 Shawano Avenue
P.O. Box 10448
Green Bay, Wisconsin 54307

on the 21st day of December, 2006.

Shanee Rucker
Administrative Program Assistant
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 01988591.